

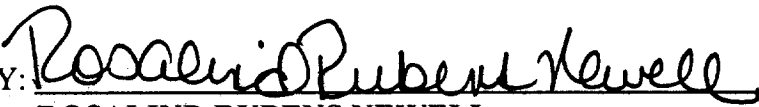
Entered - 03/08/01 - sb
CL01L0169 - DIANNE C. MITCHELL

CLAIM OF: **GLADYS MUKAMA,**
through her attorney,
Ben C. Brodhead
235 Peachtree Road, NE
Suite 400
Atlanta, Georgia 30303

01-R-0511

For damages alleged to have been sustained as a result of vehicular accident on September 21, 2000 at Moreland Avenue and Caroline Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0169

Date: March 15, 2001

Claimant /Victim GLADYS MUKAMA
BY: (Atty) Ben C. Brodhead
Address: 235 Peachtree Street, NE, Suite 400, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 03/01/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/21/00 Place: Moreland Avenue and Caroline Street
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was injured while crossing the roadway when she was struck by a vehicle owned by the Atlanta Board of Education and driven by its employee. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimant's attorney has been advised to pursue this claim with the Atlanta Board of Education..

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 03-15-01
Committee Action Council Action

LAW OFFICES OF
BEN C. BRODHEAD, P.C.

235 PEACHTREE STREET, NE
SUITE 400
ATLANTA, GEORGIA 30303
TELEPHONE (404) 880-3399
FACSIMILE (404) 880-3386
www.brodheadlaw.com

MAR - 1 2001

Mitchell
03/08/01
[Signature]

03-01-01 11:45

February 27, 2001

ENTERED - 3-8-01 - SB
01L0169 - DIANNE MITCHELL

VIA CERTIFIED MAIL

The Governing Authority of the City of Atlanta
Municipal Clerk's Office
55 Trinity Avenue, S.W.
Suite 2700
Atlanta, Georgia 30335

Re: Our Client: Gladys Mukama, 5817 Cherrywood Lane, Apt. 204
Greenbelt, Maryland 20770
Liable Parties: City of Atlanta, City of Atlanta Public Schools, Atlanta
Board of Education, and Lewis V. Terry
Date of Loss: 9/21/00
Ins. Claim No.: 4710052045-001 (Zurich)

To Whom It May Concern:

This notice and demand is directed to you as the Governing Authority of the City of Atlanta regarding a claim for personal injuries being made against the City of Atlanta and City of Atlanta Public Schools and Atlanta Board of Education. If you object to receiving this notice on behalf of the City of Atlanta and City of Atlanta Public Schools and Atlanta Board of Education, please advise me as soon as possible so that I may send this ante litem notice to a party who may receive it on behalf of the City of Atlanta and City of Atlanta Public Schools and Atlanta Board of Education. Pursuant to O.C.G.A. §36-33-5, this letter places the City of Atlanta and City of Atlanta Public Schools and Atlanta Board of Education on notice of Gladys Mukama's claims for personal injuries so that these claims may be addressed and adjusted. Additionally, this letter is written to establish a claim for prejudgment interest pursuant to the Georgia Unliquidated Damages Interest Act, O.C.G.A. §51-12-14. Although we have provided the name and address of our client in this letter, all further communications regarding this matter should be directed to my attention at the above address and phone number.

As required by O.C.G.A. §36-33-5, Gladys Mukama, through undersigned counsel, provides the following information:

1. Time of accident: Approximately 8:37 a.m., Thursday, September 21, 2000;

2. Place of accident: The crosswalk at the intersection of Moreland Avenue and Caroline Street, Atlanta, Georgia;
3. Extent of injury: Closed head injury, involving bilateral hemorrhagic contusions in the medial frontal lobes and swelling in the right occipital region. Additional injuries include hearing loss, left clavicle fracture, scarring to face, and multiple traumatic injuries to other parts of her body which are more fully described in her medical records (available upon request);
4. Negligence causing injury: While in the scope and course of his employment with the City of Atlanta, Lewis V. Terry violated O.C.G.A. §§ 40-6-91 and 40-6-93 when he failed to yield the right of way to Ms. Mukama, a pedestrian properly within a crosswalk, and when he failed to exercise due care to avoid colliding with Ms. Mukama. While in the scope and course of his employment with the City of Atlanta, Mr. Terry negligently ran over Ms. Mukama with a City of Atlanta Public School's truck, causing her injuries. Mr. Terry was found guilty beyond a reasonable doubt of the above-listed charges by a Judge of the City Court of Atlanta. Attached hereto are true and correct copies of the Georgia Uniform Motor Vehicle Accident Report and the Uniform Traffic Citation, including the disposition of "Guilty" and sentencing of Mr. Terry by the City Court of Atlanta.

We do not believe that there is any question regarding liability for our client's injuries; however, if you disagree, we trust that you will notify us of your position in the near future. At this time, our client is still receiving treatment for the injuries sustained, and we are in the process of assembling information regarding treatment, prognosis, and damages. We will forward all information to you when it is available.

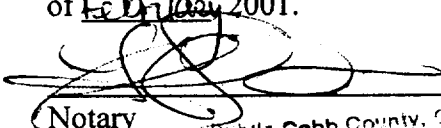
In order to provide information for these claims to be addressed and adjusted, Ms. Mukama states that she is prepared to settle all claims against the City of Atlanta and City of Atlanta Public Schools and Atlanta Board of Education for the limits of all applicable insurance, including excess and umbrella coverages, provided that insurance limits are received within 30 days of the date of mailing of this notice. Pursuant to the provisions of O.C.G.A. §51-12-14, Ms. Mukama will be entitled to receive interest on the sum claimed if, upon the trial of this case, she receives a judgment in an amount not less than the sum demanded. Interest will be computed at a rate of 12% per annum and will begin to accrue from the 30th day following the date of the mailing of this notice.

In accordance with O.C.G.A. §33-3-28, we request that you provide the following information in regard to each policy of insurance issued to your insured:

- (1) Name, address, and telephone number of each insurer;
- (2) Name of each insured; and,
- (3) Limits of coverage, including any excess or umbrella coverage.

We appreciate your attention to this matter and look forward to working with you to resolve this claim. Of course, this letter is written in furtherance of settlement, and nothing contained herein shall be deemed admissible except to enforce a claim for prejudgment interest or to verify ante litem notice pursuant to O.C.G.A. §36-33-5.

Sworn to and subscribed
before me this 27th day
of February, 2001.


Notary

My Comm. Expires August 8, 2001

BCB:dme
Enclosures

Sincerely,


Ben C. Brodhead

01- R-0511